

Docket No.: 59441(11259)  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Peter J. Quesenberry

Application No.: 10/562,086

Confirmation No.: 3235

Filed: December 23, 2005

Art Unit: 1657

For: METHODS OF PRODUCING  
DIFFERENTIATED HEMATOPOIETIC  
CELLS FOR TREATMENT OF  
CYTOPENIA

Examiner: V. Afremova

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references/documents listed on the attached PTO/SB/08a/b. It is respectfully requested that these references/documents be expressly considered during the prosecution of this application, and that these references/documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

I      COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed. (Applications filed after June 30, 2003, no copies of cited US Patents are required and therefore, are not enclosed).

b. \_\_\_\_\_ This application relies under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_. The references listed on the attached Form PTO/SB08a/b were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application.

II. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

a. X Except as may be indicated below in (b), all of the patents, publications or other information submitted herewith are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

b. \_\_\_\_\_ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

c. X The following additional information is provided for the Examiner's consideration:

Applicant(s) have become aware of the cited document, during the prosecution of European Application No. 04777626.5, which corresponds to the above referenced application, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submits this document for the Examiner's consideration.

**FEES****III. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**  
(check one box)

- a.  within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b.  within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.
- c.  before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

**IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. §1.17(p).

**OR**

- b.  See the certification below. No fee is required.

**V. STATEMENT UNDER 37 C.F.R. § 1.97(d)**

The undersigned hereby states that

This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Accordingly, Applicant(s) respectfully hereby petition(s) that this Information Disclosure Statement be considered.

**VI. STATEMENT UNDER 37 C.F.R. § 1.97(e)**

(check only one box)

The undersigned hereby states that

- a.  each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b.  no item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c.  Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to

the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

       Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

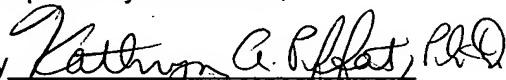
X No fee is required.

X Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a further fee is required, a fee paid is inadequate or a credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 59441(11259).

Dated: October 18, 2010

Respectfully submitted,

By   
Kathryn A. Piffat, Ph.D., Esq.  
Registration No.: 34,901  
EDWARDS ANGELL PALMER & DODGE  
LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 517-5516  
Attorneys/Agents For Applicant